

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO GAITHER,
#229868,

Plaintiff,

vs.

Civil Action No. 19-cv-13398
HON. BERNARD A. FRIEDMAN
MAG. DAVID R. GRAND

THOMPSON, *et al.*

Defendants.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation dated October 25, 2021 ("R&R"). (ECF No. 32). The R&R recommended that the Court grant in part and deny in part defendants' motion for partial summary judgment and to dismiss the unexhausted claims. (ECF No. 26). None of the parties objected to the R&R pursuant to Fed. R. Civ. P. 72(b)(2).

This Court had an opportunity to fully review the matter and believes the magistrate judge reached the correct conclusions for the proper reasons. Accordingly,

IT IS ORDERED that Magistrate Judge David R. Grand's October 25, 2021 Report and Recommendation is hereby accepted and adopted.

IT IS FURTHER ORDERED that defendants' motion for partial summary judgment as to plaintiff's retaliatory misconduct report and retaliatory sexual assault claims is denied.

IT IS FURTHER ORDERED that defendants' motion for partial summary judgment as to plaintiff's remaining retaliation claims (with the exception of plaintiff's retaliatory transfer claim, which defendants concede is exhausted) is granted.

IT IS FURTHER ORDERED that dismissal of plaintiff's official capacity claims on Eleventh Amendment immunity grounds is denied insofar as those claims seek injunctive relief and granted insofar as they seek monetary damages.

Dated: November 18, 2021
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on November 18, 2021.

Antonio Gaither #229868
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s/Johnetta M. Curry-Williams
Case Manager